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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,332	07/30/2003	Jeremy A. Davis	10012851-2	1404

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HEWLETT-PACKARD COMPANY
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EXAMINER

HUFFMAN, JULIAN D

ART UNIT PAPER NUMBER

2853

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/631,332	DAVIS ET AL.	
	Examiner	Art Unit	
	Julian D. Huffman	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-28 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-25 and 29-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 December 2005 has been entered.

Election/Restrictions

2. Claim 6 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 7-9, 17 and 19-23, directed to species 1 are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claim Objections

3. Claims 1-25 and 29-32 are objected to because of the following informalities:

In claim 1, line 7, the pressure should be changed to a pressure.

In claim 6, line 5, "align it" should read "align".

In claim 6, line 9, claim 26, line 5 and claim 30, line 3, the pressure should be changed to a pressure.

In claim 29, line 2, pin should be changed to pen.

Other claims are objected to by way of their dependency from the above claims.

Appropriate correction is required.

Allowable Subject Matter

4. Claims 1-25 and 29-32 would be allowable if rewritten to overcome the objections outlined above.

Claims 26-28 are allowed.

The primary reason for the indication of allowable subject matter in claims 1-5 is the inclusion of the limitations of a pen maintenance system comprising a pen mounted for reciprocal movement on a shaft in a chassis, the pen having a printhead and a chamber for holding ink, a supply of ink in the chassis, a pump in the chassis, said pump connectable to the chamber for changing the pressure in the chamber, wherein the pen is movable along the shaft to a position where said printhead aligns with said supply of ink and said pump is operable to selectively draw ink into the chamber through the printhead and expel ink from the chamber through the printhead. It is these limitations found in the claims as they are claimed in the combination of which have not been found, taught or suggested by the prior art of record.

The primary reason for the indication of allowable subject matter in claims 6-25 is the inclusion of the method for maintaining a pen comprising the steps of mounting a pen having an ink chamber and a printhead for reciprocal movement along a shaft in a hardcopy device, mounting a supply of ink in the hardcopy device, operating a pump to modify a pressure in the chamber to thereby modify the amount of ink in the ink chamber by drawing ink into the chamber from the supply and through the printhead and expelling ink from the chamber through the printhead into the supply. It is these steps found in the claims as they are claimed in the combination of which have not been found, taught or suggested by the prior art of record.

The primary reason for the indication of allowable subject matter in claims 26-28 is the inclusion of the limitations of a pen maintenance apparatus comprising a pen having a printhead, an ink reservoir and sensor that detects the amount of ink in the reservoir, said pen mounted in a hardcopy device, an ink supply in the hardcopy device that supplies ink to the reservoir and a pump in the hardcopy device for modifying the pressure in the reservoir while the pen is in the hardcopy device to selectively expel ink from the reservoir through the printhead and to cause ink to enter the reservoir through the printhead. It is these limitations found in the claims as they are claimed in the combination of which have not been found, taught or suggested by the prior art of record.

The primary reason for the indication of allowable subject matter in claims 29-32 is the inclusion of the limitations of a pen maintenance system comprising a pen having a printhead and an ink chamber, said pen reciprocally movable along a shaft between a

printing position and a maintenance position, a pump fluidly coupled to the ink chamber when the pen is in the maintenance position, an ink supply reservoir positioned adjacent the shaft and having a cap defining a seat configured to receive the printhead when the pen is in the maintenance position so as to define a seal between the printhead and the cap, wherein ink may selectively be expelled from the pen through the printhead and into the ink supply reservoir, and introduced to the pen from the ink supply through the printhead by operation of the pump. It is these limitations found in the claims as they are claimed in the combination of which have not been found, taught or suggested by the prior art of record.

Response to Arguments


5. Applicant's arguments filed 9 December 2005 have been considered and are persuasive.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 10:00a.m.-6:30p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julian D. Huffman
31 January 2006